

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DAVID W. AIKEN, JR. AND MARILYN M. AIKEN

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv741-LTS-RHW

RIMKUS CONSULTING GROUP, INC.,
JAMES W. JORDAN, AND USAA CASUALTY
INSURANCE COMPANY

DEFENDANTS

ORDER

_____ Defendants Rimkus Consulting Group, Inc. (Rimkus), James W. Jordan (Jordan), and non-party Paul Colman (Colman), an employee of Rimkus, have filed a [290] Motion to Quash Trial Subpoenas *Duces Tecum* issued by Plaintiffs, or, alternatively, a [290] Motion for Protective Order with respect thereto. There are two primary objections to these subpoenas: 1) that most of the material has already been produced in pre-trial discovery; and 2) that Plaintiffs are attempting to engage in improper discovery beyond the August 15, 2007, discovery deadline.

Plaintiffs' response memorandum [293] merely indicates a concern over authenticity "of documents which have already been produced during discovery for use at trial." One of the purposes of Fed. R. Civ. P. 16 is to obtain "stipulations regarding the authenticity of documents" so as to avoid unnecessary proof. Regardless of how the particular documents at issue are characterized, all counsel are admonished to cooperate in the orderly conduct of the trial of this cause of action. The Court will not tolerate frivolous objections or delay, and all counsel shall be prepared to proceed with this in mind. Counsel for Rimkus and Jordan (and on behalf of Colman as Rimkus's employee) shall confer with Plaintiffs' counsel in advance of trial to resolve these authenticity issues in a reasonable and professional manner.

Plaintiffs are also entitled to explore these areas during the examination of witnesses, but the time for discovery has passed. Jordan and Colman have been deposed, and these document matters have (or should have) been known for some time to Plaintiffs. At this late date, any effort to re-open discovery will not be allowed.

Accordingly, **IT IS ORDERED:**

Rimkus's, Jordan's, and Colman's Motion to Quash Trial Subpoenas *Duces Tecum* [290] is **GRANTED** and said subpoena is hereby **QUASHED** and is of no force or effect.

The alternative Motion for Protective Order [290] is **MOOT**;

SO ORDERED this the 9th day of January, 2008.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE